

REMARKS

Applicants note that all cancellations and amendments presented herein are without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

The Examiner has objected to the title of the invention as not being descriptive (Office Action, pg. 2). The Applicants have amended the title to "Systems and Methods for Conducting a Peer Review Process and Evaluating the Originality of Documents." The Applicants submit that the amended title clearly describes the invention and request that the objection be withdrawn.

In the Office Action dated 1/27/05, the Office Action made several rejections. Each of the rejections are listed below in the order in which they are herein addressed:

- I) Claims 1-8, 10-13, 15-38 and 41 are rejected under 35 U.S.C. 102 (b) as allegedly being anticipated by Carden et al. (WO 00/72114; hereinafter Carden); and
- II) Claims 9, 14, and 39-40 are rejected under 35 U.S.C. 103 (a) as allegedly being obvious over Carden in view of Gehringer et al. (Strategies and mechanisms for electron peer review," Oct 18-21, 2000, ASEE/IEEE Frontiers in Education Conference, Session F1B, pp. 2-7; hereinafter Gehringer); and
- III) Claims 42-52, 54-57, and 59-70 are rejected under 35 U.S.C. 103 (a) as allegedly being obvious over Carden in view of Evans et al. (U.S. Patent 6,029,167; hereinafter Evans).

I. The Claims are not Anticipated

The Examiner has rejected Claims 1-8, 10-13, 15-38 and 41 under 35 U.S.C. 102 (b) as allegedly being anticipated by Carden (Office Action, pg. 2). The Applicants respectfully disagree with the rejection and submit that the claims are not anticipated by Carden. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have canceled Claims 1-42. As such, the rejection is moot.

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

II. The Claims are not Obvious

In the present Office Action, the Examiner issued two obviousness rejections. The Applicants submit that the examiner has failed to provide a *prima facie* case of obviousness. The combination of references referred to by the Examiner fails to provide a *prima facie* showing of obviousness as required by § 2143 of the Manual of Patent Examining Procedure (MPEP). There are three criteria that must be met to provide *prima facie* obviousness. The first of these criteria is a suggestion or motivation in the references or the knowledge generally available to combine the reference teachings. The second criterion is that the prior art must teach or suggest all the claim limitations. The third criteria is a reasonable expectation of success should the combination be carried out. Each of the Examiner's obviousness rejections is discussed in detail below.

A. Claims 9, 14, and 39-40 are not Obvious

The Examiner has rejected Claims 9, 14, and 39-40 under 35 U.S.C. 103 (a) as allegedly being obvious over Carden in view of Gehringer (Office Action, pg. 15). The Applicants respectfully disagree with the rejection and submit that the claims are not obvious. However, as described above, the Applicants have canceled Claims 1-42 for other reasons. As such, the rejection is moot.

B. Claims 42-52, 54-57 and 59-70 are not Obvious

The Examiner has rejected Claims 42-52, 54-57, and 59-70 under 35 U.S.C. 103 (a) as allegedly being obvious over Carden in view of Evans. The Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claim 43 to include the element of an originality report which highlights those portions of the paper which match portions of said relevant documents identified as possible matches; wherein said originality report further comprises "a report of the **level of duplication** between said paper's full text and said full text of said possible matches." Support for this amendment is provided in the specification of page 16, lines 20-30 and Figure 7. In particular, figure 7 provides a graphical scale of the level of similarity based on duplication of passages.

Neither Carden nor Evans, alone or in combination, teach an originality report that includes a report of the **level** of duplication between two documents. Thus, the cited

references do not provide all of the elements of the presently claimed invention. The Examiner has not pointed to any teaching in either reference that provides this element.

Additionally, one would not be motivated to combine Evans and Carden because the method of Evans is inefficient and impractical for use in a system for handling volumes of documents to be analyzed (e.g., volumes of documents in a database). The method of Evans directly looks at text features, such as the presence of specific text and the length of phrases (e.g., between punctuation marks). This method is too slow and impractical for use in systems such as the hypothetical combined system of Carden and Evans. To analyze originality in the hypothetical combination, the system of Evans would need to screen submitted papers against very large databases of existing work. Evan's methods for doing this would take unreasonably long amounts of time and thus would not be employed in such a combination. The present invention, on the other hand, provides systems for generating and comparing fingerprints of analyzed and databased works, facilitating a high-speed analysis.

As such, the references do not teach all of the elements of the claims as required for rejection under 35 U.S.C. 103 and do not provide the requisite motivation to combine. Accordingly, the applicants respectfully request that the rejection be withdrawn.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (608) 218-6900.

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